

STUDIES IN MIGRATION AND DIASPORA



Wellbeing of Transnational Muslim Families

Marriage, Law and Gender



Edited by MARJA TIILIKAINEN,
MULKI AL-SHARMANI AND
SANNA MUSTASAARI

Wellbeing of Transnational Muslim Families

This book examines the needs, aspirations, strategies, and challenges of transnational Muslim migrants in Europe with regard to family practices such as marriage, divorce, and parenting. Critically re-conceptualizing ‘wellbeing’ and unpacking its multiple dimensions in the context of Muslim families, it investigates how migrants make sense of and draw on different norms, laws, and regimes of knowledge as they navigate different aspects of family relations and life in a transnational social space. With attention to issues such as registration of marriage, civil versus religious marriage, spousal roles and rights, polygamy, parenting, child wellbeing, and everyday security, the authors offer national and comparative case studies of Muslim families from different parts of the world, covering different family bonds and relations, within both extended and nuclear families.

Based on empirical research in the Nordic region and further afield, this volume affords a more complete understanding of the practices of transnational migrant families, as well as the processes through which family relations and rights are negotiated between family members and with state institutions and laws, whilst contributing to the growing literature on migrant wellbeing. As such, it will appeal to scholars of sociology and social policy with interests in migration and transnational communities, wellbeing, and the family.

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Marja Tiilikainen, Mulki Al-Sharmani and Sanna Mustasaari

Series Editor's Preface

Wellbeing is a much contested and multi-faceted construct. Each of us aspires to achieve and maintain an acceptable and sustaining life equilibrium – or state of wellbeing. However, there is not just one simple 'fits all' model. Wellbeing within the family is achieved by confronting, challenging and pursuing a range of constituents which include culture, gender, religion, wealth, marital status and sexual orientation. It is a multidimensional, variable, non-static process; one which can be viewed through the prisms of 'multiple laws, norms and value systems'.

The main actors in this book are Muslim migrants many, if not all, of whom wear the mantle of the transnational. Studies of transnationalism have grown in recent years, particularly in the context of Muslim migrants for whom migration, particularly to western countries, has necessitated acclimatisation to different cultures, laws and expectations. Nearly all live some degree of transnational life, or even multi-transnational life; one in which the Muslim migrant maintains economic, familial and social links with more than one country; those 'places' being the current country of residence, their place of origin and other locations where family members are based. Whilst there has been an increasing number of studies of the nature and organisation of transnational lives – those in which the actors maintain an interconnectedness across borders – few, if any, have fused the study of the transnational lives of Muslim migrants with their acquisition and maintenance of a satisfying state of wellbeing in their new lives. This is what this groundbreaking volume achieves.

In this book the contributors examine the 'wellbeing' of their interlocutors within three main perspectives: relational, material and ethical, and it is within these boundaries that the contributions to this volume are focused. The relational elements of wellbeing, those which enable the protagonists to achieve (or not) wellbeing, are in the main through the family; as seen through the lens of both the nuclear and the extended family. The material exists in the tangible elements of everyday life; in the school, the workplace, in interaction with local organisations and communities, whilst the ethical – or moral – element of wellbeing is mainly to be found within the context of the mosque and the teachings of Islam and, particularly for the female

interlocutors, is conjoined with the way in which their marriage is enacted and maintained. A strong observance of the Five Pillars of Islam is a characteristic of some female proselytes who often become more devout than their Islamic-born partners. It is interesting to note that at the commencement of structuring a family and, accordingly its wellbeing, a number of female converts to Islam place more importance on a religious marriage than on a civil ceremony, even though this may create problems in the event of an eventual marriage breakdown.

Though geographically this book has strongest ties to the Nordic countries, several of the chapters do extend beyond those boundaries, examining in addition the wellbeing experiences of Muslim transnationals in the Netherlands, the UK and Canada. Some chapters take an abstract as opposed to directly personal approach, while others are more engaged at the grass roots of transnational wellbeing. In each case the reader becomes privy to a variety of attitudes and ambitions of women and children – male actors are in a minority in this volume.

Marriage and wellbeing for the Muslim transnationals is a strong thread throughout this book. However, one aspect which frequently weakens the strength of a marriage is that of the practice of polygamy – almost inevitably on the part of the man. Polygamous marriages exist for a variety of reasons, due to health needs, the ‘male only out migration’ of the husband, and the constant transnational movements of the husband from over here, to over there – and even in some cases to a second and third ‘over there’. Indeed several chapters explore the legal complexities of transnational marriages, particularly when attempting to determine the legitimacy of a marriage when the wife wants a divorce.

The traditional Somali approach to marriage and married life suggests a contrast between wellbeing and married life in Somalia and in the West. This binary, however, is also questioned throughout the volume. The reader is shown how some Somali men maintain the tradition of non-involvement in the domestic side of family life. Instead of remaining close to ‘the hearth’ and within the family environment, many Somali husbands and fathers choose to sit in local cafés and discuss politics whilst chewing *khat*. An inability to find regular employment in their new place of settlement and the accompanying marginalisation and emasculation caused, frequently results in these ‘short-term’ absences whilst paternal long-distance travel, and long-term absence, disrupts and undermines family wellbeing. The children have no resident ‘father figure’ and, particularly in the case of the boy children, lack the control and influence of the male parent; the mother having to provide emotionally and often materially for all. Yet on the positive side Somali culture is strong on family life and parental control and the reader learns that in Sweden, Somali parents are working to retain their traditional authority while permitting their children a level of autonomy as a means of fusing both cultures. In another Nordic country, Finland, a mosque in Helsinki has set up a programme to educate, encourage and enable the integration of Muslim

families and hopefully enhance the acquisition of a positive sense of family wellbeing that results in an ethical Finnish Muslim life.

This is a book which not only informs and enlightens, it additionally provides considerable food for thought. How are the constituents of wellbeing to be combined in order to satisfy the diverse migrant groups that now inhabit major metropolises? The response is not simple but this volume provides an important guide as to how this may be achieved and the pitfalls that exist. Whilst it is dedicated to one specific transnational group, Muslim migrants in Europe and North America, it provides a valuable template for other studies which seek to understand how wellbeing can be achieved by transnational migrants in an 'alien' environment.

Anne J Kershen
Queen Mary University of London
Autumn 2019

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1 Introduction

Wellbeing, family life, and transnational Muslims in the West

Mulki Al-Sharmani, Marja Tiilikainen and Sanna Mustasaari

For an increasing number of migrants in Europe and North America, family life is embedded in a transnational social field (Baldassar and Merla, 2014; Bryceson and Vuorela, 2002). Common to such transnational family lives is organizing and navigating intimate relationships such as marriage, divorce, and parenting through the interplay of multiple norms and laws and through processes and practices cutting across national borders. In the case of transnational Muslim families, this has often meant state scrutiny of their marriage, divorce, and parenting practices since Islam – often being a legal and normative system pertinent to these family practices – becomes the focus of political and cultural contestations in many European public discourses (Razack, 2004; Schmidt, 2011; Rytter, 2012; Charsley, 2013; Grillo, 2015).

There is considerable scholarship in the social sciences on the family practices of Muslims in Europe. Broadly speaking, this literature has tackled marriage and divorce and their transnational dimensions, the generational and gender-based changes in family norms and practices, and state governance of marriage practices (particularly those related to migration) and individuals' and families' strategies in dealing with the challenges and marginalizing effects resulting from state policies (Shaw, 2001; Charsley, 2005; Charsley and Liversage, 2013; Tiilikainen, 2013; Al-Sharmani, 2015; 2017; Tiilikainen, 2015; Vora, 2016; Al-Sharmani and Ismail, 2017; Akhtar, 2018).

A notable gap in this scholarship, however, is multidimensional and multi-sited research on transnational Muslim family practices in the West through the conceptual lens of individual and family **wellbeing**. The aim of this book is to fill this gap. The chapters in the volume investigate how family practices such as marriage, divorce and parenting become part and parcel of (sometimes elusive) pursuits of individual and family wellbeing in diverse national and political contexts in Europe and North America.

By using a processual and multidimensional conceptualization of wellbeing, we seek to capture not only the needs and challenges of individual Muslims and their families as they navigate marriage and family life in a transnational social space, but also their aspirations and their understandings of the material, relational, and ethical dimensions of what constitutes for them a good

life. We investigate how individuals and their families in selected contexts make sense of and/or draw on different norms, laws, regimes of knowledge, and values in the course of different family practices, as well as the role of the larger socio-political contexts in these processes. In addition, we examine how law (whether codified or uncoded, religious or secular) functions as a national and transnational site for governance of Muslims' intimate relationships as well as a resource by which individuals – often in differentiated, gendered, and uneven ways – can attend to their family relations and their own needs and aspirations as spouses and/or parents.

Our inquiry into the transnational family practices of Muslims and their families in selected contexts is also part of an effort to contribute to a more robust understanding and use of the concept wellbeing.

As such, our inquiry proceeds from two angles. The first is from the perspectives, experiences, and strategies of individual family members such as spouses, parents, and children. Second, we seek an understanding of the wellbeing of these individuals and their families from the perspectives and practices of institutions that are pertinent to their family lives such as state legal systems regulating marriage and recognition of family relationships, school officials working with Muslim migrant children, mosques carrying out a variety of family welfare activities including marriage solemnization and family dispute resolution, etc. By bringing in these two angles, we wish to highlight the interconnectedness of the private/family life and the public sphere of policy and governance of religious minorities, and we explore the convergences and the divergences among different individual and institutional understandings and pursuits of wellbeing in relation to Muslim family life.

The book draws on research conducted in the Nordic countries of Finland, Sweden, and Denmark that share a Nordic welfare model, but also differ as regards their history of migration. For example, Finland is quite a recent country of immigration compared to its Nordic neighbours. In addition, some of the chapters present research on countries that have a long history of immigration such as the Netherlands, the UK, and Canada.

Wellbeing and Muslim family practices

Theoretical background

Wellbeing has been written about in a number of fields in social sciences (Hall, et al., 2010). However, few conceptual studies have focused on family wellbeing (McKeown and Sweeney, 2001; Zimmerman, 2013). In addition, legal discourses addressing wellbeing have mainly focused on welfare, social justice, and children's rights as well as the different uses of the best interest doctrine in legal fields such as family law, administrative law, and medical law (Nathan, 2010; Herring and Foster, 2012). Relational approaches to wellbeing and rights have also gained ground in legal thinking (Nedelsky, 2011).